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UNITED STATES DISTRICT COURT  
 SOUTHERN DISTRICT OF NEW YORK

----- X  
 PAUL OPPENHEIMER, Individually and on Behalf of :  
 All Other Persons Similarly Situated, :

Plaintiff, :

- against - :

BLUECAT NETWORKS (USA), INC., a/k/a :  
 BLUECAT NETWORKS, INC., MICHAEL HYATT :  
 AND JOHN DOES # 1-10, Jointly and Severally, :

Defendants. :  
 ----- X

ECF Case

07 CIV 7471 (VM)

**STIPULATION**

IT IS HEREBY STIPULATED and agreed, by and between the undersigned, that defendant BlueCat Networks (USA), Inc.'s ("BlueCat") time to answer, move or otherwise respond to the complaint is extended to October 9, 2007 and that BlueCat waives any affirmative defense based on lack of personal jurisdiction or improper service of the summons and complaint in this action.

Dated: August 30, 2007

PELTON SERPE LLP

By: Brent E. Pelton  
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**SO ORDERED:**

10 September 2007

Victor Marrero  
 U.S.D.J.  
 Victor Marrero